



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: NORBERT MILLER)
Serial No.: 09/769,827) Group Art Unit: 3629
Filed: JAN. 24, 2001) Examiner: Ruhl, D.W.
For: METHOD FOR THE AUTOMATION OF) Petitions Examiner:
ALLOCATION PROCESSES FOR) Brinkley, S.D.
PRODUCTS AND/OR SERVICES) Confirmation No. 5172

RESPONSE TO DECISION ON PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA on	
17 SEPT. 2009	
(Date of Deposit)	
Daniel Drexler	
(Name of Person Mailing Paper)	
Signature	Date
<i>[Signature]</i>	9-17-2009

This paper is filed in reply to the Decision of the Office issued 17 March 2009 dismissing the 'Petition for Revival of an Application Abandoned Unintentionally' filed by Applicant on 12 January 2009. Herein, Applicant requests reversal of the Decision and withdrawal of the outstanding Notice of Abandonment under 37 C.F.R. 1.181(a) based upon evidence that a reply was timely mailed.

A proper reply was timely filed by Applicant on 11 November 2004 in response to the Office Action of 04 May 2004. This reply included a Certificate of Mailing in accordance with 37 C.F.R. 1.8(b) stamped on page 1 of the reply and executed by the undersigned. The reply further included, on page 12 thereof, a proper petition for extension of time in accordance with 37 C.F.R. 1.137. This timely reply was mailed to the U.S. Patent and Trademark Office via first class mail along with a self-addressed stamped and itemized return receipt postcard. However, post card was not returned and the reply was apparently not received by the Office. Hence, the application lapsed improperly into abandonment.

A copy of the reply of 04 November 2004 was provided with Applicant's Petition of 12 January 2009. A copy of the reply is again appended hereto, in satisfaction of 37 C.F.R. 1.8(b)(2). A copy of the return receipt postcard is also provided herewith. Pursuant to 37 C.F.R. 1.8(b)(3), the undersigned attests on a personal knowledge basis that the referenced reply was indeed mailed to the U.S. Patent Office on 04 November 2004 in accordance with the Certificate of Mailing on page 1 of the reply. A copy of Applicant's attorney's file jacket is provided herewith as additional evidence of this timely submission. At the lower left side, the file jacket evidences receipt of the previous Office Action of 04 May 2004 and then the subsequent and timely filing of the response on 04 November 2004.

Pursuant to the provisions of 37 C.F.R. 1.181(f) and MPEP 711.03(c)(I)(C), this request to withdraw holding of abandonment, even though filed more than two months from the issuance of the Notice of Abandonment, may be granted pending the filing of a terminal disclaimer or pending the action of a patent term adjustment under 37 C.F.R. 1.704(c)(4). Accordingly, consideration hereof and withdrawal of the outstanding abandonment is respectfully requested.

If there are any charges with respect to this filing, or otherwise concerning the instant application, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys. Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time necessary for entry and consideration of the present reply. The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,
CANTOR COLBURN LLP

By: 

Daniel F. Drexler, Reg. No. 47535
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Tel: 860-286-2929
Fax: 860-286-0115
Customer No. 23413

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